

THE OMAHA SUNDAY BEE.

PUBLISHED EVERY SUNDAY.

TERMS OF SUBSCRIPTION.

Yearly in Advance, \$5.00
 Six Months, \$3.00
 Three Months, \$1.50
 Single Copies, 5 Cts.

Advertising Rates.
 One Square, 10 Cts. per Week.
 One Column, 10 Cts. per Week.
 One Page, 10 Cts. per Week.

Entered as Second-Class Matter, July 18, 1897.
 Post Office at Omaha, Neb., July 18, 1897.
 Accepted for mailing at special rate of postage provided for in Act of October 3, 1917, authorized on July 18, 1897.

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GOVERNMENT BY INJUNCTION.

One of the grievances which was prominently brought before the American people in the last presidential campaign was government by injunction. The populist platform adopted at St. Louis embodied the following declaration: "The arbitrary course of the courts in assuming to imprison citizens for indirect contempt and ruling by injunction should be prevented by proper legislation." The democratic national platform denounced government by injunction as a new and dangerous form of oppression by which judges in contempt of the law and the rights of citizens became at once legislators, judges and executioners.

The power of ruling by injunction has never received a more extreme application than in the recent order made by Judge Scott restraining the members of the Board of Fire and Police Commissioners from discharging Chief Detective Cox, against whom charges have been filed by his superior officers. This order is an assumption on the part of the court to usurp the judicial and executive functions vested by law in the police commission. If the board must withhold its judgment as regards the guilt or innocence of Chief Detective Cox until such time as the court can hear his application for an injunction to prevent a probable dismissal, the court practically assumes the right to suspend the powers of the board for an indefinite period.

This action is tantamount to nullifying the entire police commission law by arbitrary court process which was never contemplated by the framers of the law or the constitution. It is not a question whether the charges against Cox can be sustained or refuted. It is not a question whether Cox is entitled to the benefits of the police relief fund. The paramount issue presented by the order restraining the police board from discharging Cox is whether Judge Scott shall manage the police force of Omaha from the bench, and whether incompetent, dishonest and inefficient officers or members of the police force shall find shelter behind injunctions and thus defy the police commission and the mayor and deprive the people of Omaha of the police protection for which they pay and which they are entitled to have.

Another phase presents itself in this unprecedented order. If any judge of the district court or of the supreme court can by process restrain an inferior court from rendering a judgment in any case in which it has jurisdiction, then we have judicial anarchy. The grounds upon which this injunction has been asked are that the Board of Fire and Police Commissioners is conspiring against the applicant for political ends and that its action would be biased and influenced by partisan motives. If this be true the complainant should direct himself to the governor, who is by law empowered and required to remove any member of the commission who in violation of his oath is actuated in considering removals or appointments by political motives. Upon the court rests the responsibility for the misgovernment of our police and fire departments. If this responsibility could be thus shifted from the chief executive, who alone can appoint and remove police commissioners, the whole fabric of our system of police administration will fall to pieces.

Insubordination, dishonesty and incompetency would run riot and the police force would become an armed mob, resisting every attempt to enforce discipline and efficiency by procuring injunctions against the infliction of the penalties of disobedience, drunkenness, delinquency and crooked work.

We do not believe that Judge Scott has any intention or design to create greater demoralization and disorder in the police department than already exists. Nor do we believe that he aspires to supersede the commission in the government of the police or to hamper it in its discharge of its sworn duty or in any effort it may make to inaugurate the much-needed police reform for which the board was created. It is to be hoped that in the interest of good government he may see his way to modify or rescind the order issued in the Cox case. While the members of the Board of Fire and Police Commissioners are prohibited by law from making removals for political purposes, they should be left free to exercise their legitimate powers and to hold to a strict accountability for the faithful, fearless and honest discharge of the duties devolving upon them.

LAW APPLIED TO SCIENCE.

How to reconcile science and religion has been a source of endless speculation and contention. The supernatural begins where science ends. While creed must always rest on faith, science insists on convincing proofs. Applied science has in recent years evolved almost as much contention when subjected to the ordinary tests of law as has religion when subjected to ordinary tests of science.

An interesting case of testing applied science by the rules of law is pending in the courts of Tennessee. The issue, as presented to the court, is whether a person who appropriates electricity is guilty of larceny under the statutes. It appears that a Memphis electric lighting company which supplied electric current to one of its patrons discovered that, as meters by which the current was measured had been so plugged that only a small proportion of the current passing through was registered, thus defrauding the company of its just dues. The contention of the defense is that in order to be convicted for larceny the accused must be shown to have published an article or substance that can be handled. It is urged that electricity, being impalpable, it cannot be classed among palpable articles within the meaning of the law. This, however, is by no means the first instance or the only instance in which the subtle lawyer has sought to defeat the ends of justice by the technical conflict between applied science and law.

About thirty years ago, when the historic whisky ring was at the height of its operations, the government detectives made the discovery that surreptitious telegraphic correspondence was being carried on between Chicago and Omaha members of the ring. The officers of the Western Union who failed to find

any record of these messages tapped their wires between Omaha and Des Moines and succeeded in locating the western end of the contraband communication at Omaha. The distillery, known as the McCoy distillery, was seized by the revenue officers and eventually confiscated. The operator at Chicago, found to have been in collusion with the whisky crooks, was arrested on the charge of larceny from the Western Union and tried in the Chicago courts. His attorneys alleged that the transmission of messages over a wire did not lie within the scope of the term larceny, which implied the theft of something of value. It was shown by expert testimony that a telegraph line during transmission of messages consumes less battery power than does a live wire not in use. In other words, the contention was that the only loss of the telegraph company would be the chemicals consumed in the battery and that more chemicals are consumed when the electric current is closed than when it is broken. The transmission of a message over a wire by the closed-circuit Morse system breaks the circuit, and hence is a saving of battery chemicals. The decision of the court in this case was in favor of the defendant.

There is no doubt that from the purely scientific standpoint the decision was correct. While there was really an unauthorized use of the facilities of the telegraph company from which it derives its income, the fact that no actual loss had been proved and that no evidence was produced to show that the operator had received pay for his service, brought his acquittal within the technical phraseology of the statute. It is a question, however, whether the defense in the Tennessee case could utilize the Illinois precedent. The incident simply calls to mind the fact that law must keep pace with the progress of science in order to meet the requirements of modern conditions.

KILLED BY THE GOLD STANDARD.

"I tell you that the gold standard each year kills more people in the United States than Spain kills in Cuba," exclaims William Jennings Bryan in his free silver oration before the Trans-Mississippi congress. Since William Jennings Bryan says so, it must be true. Although no coroner's jury has yet returned a verdict anywhere "Killed by the gold standard," every startling announcement by wire and post reminds us of the fatalities that follow the craving for gold.

We do not have to ransack the records of the last quarter of a century to substantiate Mr. Bryan's assertion. We can find ample proofs of the fatal effects of the gold standard in any daily paper we may pick up.

The Chicago Chronicle, yesterday, for example, gives prominence to the following account of a tragedy in this city:

Razor in sleeve, carbolic acid vial in coat, slung at side and revolver in pocket, Frank W. Phelan of St. Louis, a nationally known labor agitator, lured Miss Kittie Wadsworth last evening into the saloon of Neely & Kelly, in the Palace hotel, 103 North Clark street, cut her throat from ear to ear with the razor, fired two shots into her head and then killed himself by sending bullet into his brain.

While on its face there is no relation of cause and effect between this bloody affray and the gold standard, it is nevertheless true that the revolver with which the killing was done was bought with money based on the gold standard.

The very same paper contains the following dispatch under an Atlanta, Georgia, date:

Ennared Rich, member of the firm of M. Rich & Brothers, one of the largest dry goods and furniture houses in the south, committed suicide at his home in this city at 7 o'clock this morning by cutting his throat with a fruit knife. Investigation revealed the fact that Mr. Rich had stabbed himself thirty-six times in the breast and throat before death ensued. One of these blows penetrated his heart and the other punctured the jugular vein. The dead merchant was a native of Hungary and 40 years old. He was an equal partner with his two brothers in the firm of M. Rich & Brothers. As the house enjoys excellent financial standing, no cause is known for the suicide except nervous dyspepsia, from which the victim was a great sufferer.

The friends of the Atlanta merchant evidently do not know what they are talking about. Had Dr. Bryan been called his diagnosis would have been "Killed by the gold standard."

On another page of the same paper we find a report of a lynching by near Birmingham, Alabama, which tells the old story of mob vengeance on a negro. The coroner's inquest has not yet been held, but we assume in advance that the verdict will be "Killed by the gold standard."

Still another victim of the gold standard and figures in the same paper as follows: Dr. Eugene Keen, a chiropractor of Evanston, was instantly killed yesterday morning at the Grove street crossing in Evanston by a suburban train on the Northwestern railway.

It stands to reason that without the gold standard there would have been no suburban train running into Evanston and that Dr. Keen would still be extracting corns from the feet of people afflicted with tight shoes.

An Associated Press dispatch to the same paper from Paris, Kentucky, gives this information:

Book Mason, a desperate negro ex-convict, was shot and instantly killed this morning by Lake County, a Louisville & Nashville railway watchman, after a street duel in which ten shots were fired. Mason was wanted on a charge of murder and when Connolly attempted to arrest him he opened fire on the officer. The latter stood his ground and returned the fire, three of his bullets striking the negro in the region of the heart. Connolly's clothes were riddled, but he was unhurt. Mason had a leg shot off in a similar duel several months ago.

Sixteen to one that this negro ex-convict was killed by the gold standard. Another report from a Texas town tells how a murderer confessed that he committed the bloody crime in an attempt to blow a safe which he believed to contain a bag of gold. Would this man have come to grief if our financial system were not based on the murderous gold standard?

What more evidence is there needed that the gold standard is every day killing more people in the United States than are killed by the Spaniards in Cuba?

American wheat growers will be interested in a report just made to the secretary of agriculture by the chief of the section of foreign markets of that department, in which is pointed out the possibility of a large market for American flour in China and Japan. The statistics show that one export of flour to those countries have been steadily growing and the indications are that they will increase more rapidly in the future. The total shipments of wheat flour from the United States to Japan and China, including Hong Kong, during the ten years ended June 30, 1896, amounted to fully 6,000,000 barrels, the larger part having been exported in the latter half of the decade. The amount exported in 1896 was considerably more than double that of 1887 and the exports for this year will be larger than those of 1896. We send more flour to Hong Kong and China than to Japan, but shipments to the latter country show an increase during the last few years proportionately even greater, having more than doubled in amount in 1896, as compared with 1887, while for the current year the amount of wheat flour shipped to Japan will be 50 per cent greater than last year.

There is a notable growth in the demand for breadstuffs in Japan in proportion to population and while the annual per capita consumption is considerably below that of most other countries and only about one-fourth that of the United States, it is steadily increasing. The report says that placing the present population of Japan at 43,000,000, a rate of consumption per inhabitant equal to that in the United States—estimated to be about four and two-third bushels per annum—would make the total wheat consumption of the kingdom reach about 200,000,000 bushels. With no increase in the present production of the country, which is about 200,000,000 bushels a year, Japan would have to import annually about 180,000,000 bushels. Of course that country may never become so great a wheat-consuming nation as the United States, but the increase in the use of wheat flour there during the last few years gives assurance that Japan's importations will continue to grow and that that country is likely to become within the next decade a considerable share of our average annual surplus. In view of the growing competition in European markets which confronts American wheat growers, the enlarging market in Japan and China is a matter of much interest.

AMERICAN WHEAT IN THE ORIENT.

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